

**Remarks****Brief Phone Conversation**

The applicants thank the examiner for the brief phone conversation held on September 3, 2004 between the examiner and the applicant's representative.

During the conversation, the examiner and the representative discussed Keppers et al. U.S. Patent No. 6,017,163 ("Keppers") in connection with claims 1, 2, and 19.

**Pre-Office Action Interview**

As stated above, the applicant looks forward to having an interview with the examiner prior to the preparation and issuance of a next office action, and asks the examiner to call the applicant's representative upon receiving this reply, so that a mutually-convenient date and time may be established for the pre-office action interview.

**Non-Finality of Next Office Action**

As will be appreciated by the examiner, if the applicant and the examiner reach agreement during the pre-office action interview – as formalized by an after-interview reply – then it is quite likely that the examiner will be able to issue a notice of allowance, as opposed to an office action which contains one or more claim rejections.

In the unlikely event that the examiner and the applicant are not able to reach agreement in the pre-office action interview, and the examiner prepares and issues an office action rejecting one or more claims, the applicant recognizes that such an office action would be non-final. As will be appreciated by the examiner, making such an action final

would be improper for several reasons. For example, because claim 44 addresses an aspect of the invention which previously has not been claimed, a final rejection in the first office action would be improper. (See MPEP §706.07(b).)

Section 102(b) Rejection of Claims 1-5, 19, and 31 Based on Keppers

The applicant asks the examiner to withdraw the Section 102 rejection for at least the following reasons.

Spigot

All of the above-referenced claims call for a spigot. However, this aspect is neither taught nor suggested by *Keppers*.

As will be appreciated by the examiner, the term "spigot" as used in the claims, must be given its plain meaning. In other words, the term must be read as it would be interpreted by those of ordinary skill in the art. See MPEP 2111.01, pages 2100-47 – 2100-50, MPEP Rev. May 2004. The term "spigot", as commonly understood and interpreted by those of ordinary skill in the art, refers to a fixture for regulating the flow of a liquid. In further detail, the spigot, itself, includes a component, for example a valve, which starts, stops, and otherwise regulates the flow of a given liquid.

However, *Keppers* neither teaches nor suggests a spigot. In the March 24, 2004 office action, the examiner labeled *Keppers*' component which is identified by the reference number "32" as being a "spigot". (See page 2, section 2 line 7, and page 5, section 9, line 6 of the March 24 office action). However, this labeling is not correct. Instead, this component 32 is a spray head 32, also referred to as a feed nozzle 32, and simply includes an apertured surfaced through which liquid floor finish is sprayed. (See,

e.g., column 2, lines 32-35, column 7, lines 45, 46, and 51, and Fig. 4). The spray head 32 does not include a component which starts, stops, and otherwise regulates the flow; and therefore, the spray head 32 is not a "spigot".

In the "response to arguments" section of the March 24 office action, the examiner stated that *Keppers* specifically shows "a spigot (32) having a valve (35)" (emphasis added). However, this is incorrect. Not only is *Keppers'* spray head 32 not a spigot, as explained above, but also, the spray head 32 does not "have" (i.e., include) *Keppers'* valve (applicator control) 35. Instead, the valve 35 is a distinct item which is separate and apart from the spray head 32. Moreover, as seen clearly in Figs. 2-4, valve 35 is geographically remote from spray head 32, with the valve 35 being positioned at an upper portion of handle 31, and by comparison, the spray head 32 being positioned at a lower portion of handle 31. (See, e.g., column 7, lines 44-56, and column 8, lines 5-7.)

#### Wheeled Receptacle Includes a Spigot

In each of the claims, it is the wheeled receptacle that includes a spigot. However, *Keppers* neither teaches nor suggests this aspect.

In further detail, claim 1 states, in relevant part, "the wheeled receptacle including ... a spigot" (emphasis added). And claim 19 states, in relevant part, "the wheeled receptacle comprising: ... a spigot" (emphasis added).

As explained in the preceding section, *Keppers'* spray head 32 is not a spigot, and it does not suggest a spigot. Having explained that, the applicant now points out that *Keppers'* wheeled cart 10 does not include a spigot – illustrating yet a further patentable

distinction between the claimed invention and *Keppers*. (See, e.g., Abstract lines 1 and 2, and column 7, lines 57-59.)

Selectively-Adjustable Valve

Claims 2-4 of the invention state that the spigot includes:

[A] selectively-adjustable valve which is operable between a fully open position and a fully closed position, the method further including the step of adjusting the selectively-adjustable valve to a position between the fully-open position and the fully-closed position inclusive, thereby regulating the rate at which the liquid flows from the spigot (emphasis added).

(See claim 2.)

However, this aspect of the invention is neither taught nor suggested by *Keppers*, for several reasons. For example, as noted above, *Keppers*' spray head 32 – the component labeled by the examiner as a “spigot” – does not include a valve. In addition, the valve which *Keppers* does disclose (valve 35) is not operable between a fully-open position and a fully-closed position. The valve 35 is controlled by an applicator control handle 41, with the handle 41 having two positions – either “full on” or “off”. (See column 8, lines 5-13.) Accordingly, the valve 35 is not “operable between a fully open position and a fully closed position”, as called for in claims 2-5.

Claim 44

Claim 44 states, in part, that “the wheeled receptacle [of claim 1] includes a back, and [that] the spigot is at the back”.

This claim is fully supported by the application, as filed, and does not introduce any new matter. (See, e.g., paragraphs 16 and 34, and Figs. 1, 3, and 6.) In

addition, claim 44 patentably distinguishes over the references of record, in that none of the references, taken alone or in combination, teaches or suggests the claimed method.

Because *Keppers* fails to teach or suggest the claimed invention, the applicant asks the examiner to withdraw the section 102(b) rejection of claims 1-5, 19, and 31.

Section 103(a) Rejection of Claims 10-15 Based on *Keppers*

The applicant asks the examiner to withdraw the Section 103 rejection of claims 10-15 based on the information presented above in connection with the Section 102 rejection.

Section 103(a) Rejection of Claims 16-18 Based on *Keppers* in view of *Biggs et al. U.S. Patent No. 5,920,944 ("Biggs")*

The applicant asks the examiner to withdraw the Section 103 rejection of claims 16-18 based on the information presented above in connection with the Section 102 rejection.

Section 103(a) Rejection of Claims 32-35 Based on *Keppers* in View of *Robinson U.S. Patent No. 6,206,980 ("Robinson")*

The applicant asks the examiner to withdraw the Section 103 rejection of claims 32-35 based on the information presented above in connection with the Section 102 rejection.

Conclusion

Given the remarks presented above, the applicant asks the examiner to allow all of the pending claims (claims 1-44).

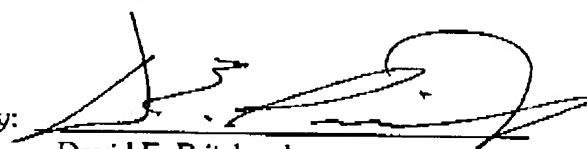
As stated above, **the applicant looks forward to having an interview with the examiner prior to the preparation and issuance of a next office action,**

and asks the examiner to call the applicant's representative upon receiving this reply, so that a mutually-convenient date and time may be established for the pre-office action interview.

Respectfully submitted,

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